

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1169 of 2026 AND
C.M.P.No.11536 OF 2026

A. Senthil Baskar

... Appellant

-VS-

1.The Government of Tamil Nadu
Rep. by the Principal Secretary to
Government of Tamil Nadu,
Municipal Administration and Water Supply
Department Secretariat,
Fort.St.George, Chennai – 009.

2.The Director of Municipal Administration
11th Floor, Urban Administrative Building,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 028.

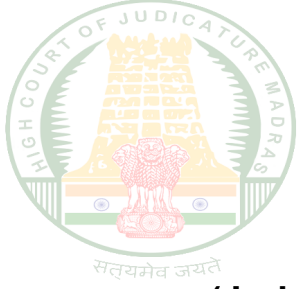
3.The Commissioner
Coimbatore Municipal Corporation,
Coimbatore – 641 001.

... Respondents

Prayer: To set aside the order made in Writ Petition in WP No.7940 of
2025 dated 12.06.2025 and allow this Writ Appeal.

For Appellant:

Mr.U.M.Ravichandran
For Mr.Durai. Gunasekaran



J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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Writ Petitioner is the appellant in the present Intra Court Appeal. Writ Petition has been instituted, challenging the charge memo issued by the Director of Municipal Administration, vide proceedings dated 25.06.2021. Charge Memo has been challenged mainly on the ground of delay in issuance of charge as well as on merits and by stating that some other delinquents have been exonerated from allegations. The validity of the above grounds are to be examined.

2. Writ Court dealt with the delay in issuance of charge memo and made a finding that the charge memo, though issued on 25.06.2021, delinquencies allegedly committed from the year 2017 till the date of issuance of charge memo were taken into consideration. The appellant has not established any *mala fide* intention and considering this ground, writ petition was dismissed.

3. This Court is of the considered view that no writ against charge memo is maintainable, unless the charge memo has been issued by an incompetent authority having no jurisdiction or tainted with



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allegations of *mala fide*. Even in case of raising allegations of *mala fide*, the Authority against whom such allegations are raised must be impleaded as a party respondent in his personal capacity. In all other circumstances, the delinquent officer is expected to submit his explanation and thereafter, procedures as contemplated for conduct of Departmental enquiry is to be scrupulously followed by the Disciplinary Authority to cull out the truth behind the allegations. Thus, Courts are expected to be slow in interfering with the charge memorandum. Charge memorandum *per se* would not provide cause of action for institution of writ proceedings. Disputed facts cannot be adjudicated before Writ Court under Article 226 of the Constitution of India. The arms of power of judicial review need not be expanded so as to adjudicate charges raised against an employee. Such an adjudication requires a trial nature proceedings in the form of departmental enquiry and thus, adjudication on merits relating to allegations in the charge memo is absolutely impermissible in a writ proceedings.

4. Learned counsel for the petitioner would submit that in respect of some other delinquent officials, criminal case was registered and files were seized of by the Investigating Authorities under criminal law. In such situation, Department is empowered to secure certified copy of the files or if the files are otherwise available, proceed with the



departmental proceedings. In other words, pendency of criminal case is not a bar for the Disciplinary Authority to continue departmental enquiry and conclude the proceedings.

5. The departmental domestic enquiry and criminal trial shall proceed simultaneously and the decision in criminal case would not materially affect the outcome of the domestic enquiry. The nature of both proceedings and the test applied to reach final conclusion in the matter is entirely different. Thus, there is no legal bar for both proceedings to go on simultaneously.

6. Acquittal in criminal case would not debar an employer from exercising power in accordance with Service Rules and Regulations in force. The two proceedings, criminal and departmental are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on offender, the purpose of departmental enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with service rules.

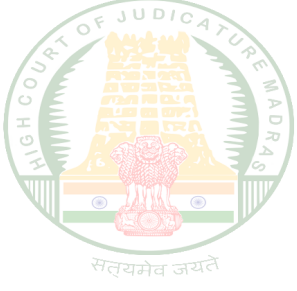
7. In the present case, the appellant is not an accused in the criminal case. However, in respect of other delinquent Officials, criminal



cases have been instituted. May that as it be, this Court is of the considered view that charge memo need not be quashed by considering the factual grounds raised by the delinquent Officer. All such grounds deserve adjudication based on original documents and evidences available on record.

8. In the present case, Writ Court already directed the Disciplinary Authority to conclude the departmental proceedings on its own merits and in accordance with law within a period of four weeks. Thus, this Court is not inclined to fix time limit for conclusion of the departmental proceedings, since it requires co-operation on the part of delinquent Officer. The effective co-operation of the delinquent Officer for conclusion of enquiry is imminent. Therefore, this Court is of the view that time frame fixed by the Writ Court itself is unnecessary.

9. However, the Disciplinary Authority is expected to dispose of the disciplinary proceedings as expeditiously as possible and without causing unnecessary delay, since long pendency of departmental proceedings would affect the service prospects of the employee. For all these reasons, relief as such sought for in the writ appeal deserves no merit consideration.



S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.
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10. Consequently, the present Writ Appeal stands dismissed.

No costs. Connected Miscellaneous Petition is closed.

(S.M.S.,J.) (N.S.,J.)
01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

1. The Principal Secretary,
Government of Tamil Nadu
Municipal Administration and Water Supply Department
Secretariat, Fort.St.George, Chennai – 600 009.
2. The Director of Municipal Administration,
11th Floor, Urban Administrative Building,
No.75, Santhome High Road,
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